

**CITY COUNCIL  
ATLANTA, GEORGIA**

**12.9**

13-O-1022

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE ACCEPTANCE OF A NON-EXCLUSIVE WATER UTILITY EASEMENT AND A SEWER UTILITY EASEMENT WITH ENCROACHMENTS FROM THE STATE OF GEORGIA, BY AND THROUGH ITS GEORGIA STATE PROPERTIES COMMISSION, IN CONNECTION WITH THE RELOCATION OF A CERTAIN PUBLIC SEWER LINE FOR THE COLLEGE FOOTBALL HALL OF FAME PROJECT; AUTHORIZING THE ABANDONMENT OF THE EXISTING SEWER LINE AT SUCH TIME AS THE RELOCATED SEWER LINE IS ACCEPTED BY THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR SAID EASEMENTS, ENCROACHMENTS AND ABANDONMENTS; AND FOR OTHER PURPOSES.**

**Review List:**

Jo Ann Macrina	Completed	04/30/2013 1:48 PM
Patrick McShane	Completed	04/30/2013 1:53 PM
Mayor's Office	Completed	04/30/2013 2:34 PM
Office of Research and Policy Analysis	Completed	04/30/2013 2:37 PM
City Utilities Committee	Completed	05/08/2013 5:10 PM
Atlanta City Council	Completed	05/17/2013 1:37 PM
Office of Research and Policy Analysis	Completed	05/10/2013 12:36 PM
City Utilities Committee	Completed	05/17/2013 6:23 PM
Atlanta City Council	Pending	

**HISTORY:**

04/30/13	City Utilities Committee	REFERRED TO COMMITTEE	Next:
05/14/13			

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 5/14/2013 9:30 AM</b>
<b>MOVER:</b>	Howard Shook, Chair	
<b>AYES:</b>	Wan, Shook, Archibong, Adrean, Martin, Smith, Watson	

05/06/13	Atlanta City Council	REFERRED TO COMMITTEE
----------	----------------------	-----------------------

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b>	<b>Next: 5/14/2013 9:30 AM</b>
<b>AYES:</b>	Watson, Wan, Martin, Smith, Shook, Winslow, Moore, Willis, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean	

05/14/13	City Utilities Committee	FAVORABLE
----------	--------------------------	-----------

<b>RESULT:</b>	<b>FAVORABLE [6 TO 0]</b>	<b>Next: 5/20/2013 1:00 PM</b>
<b>MOVER:</b>	Carla Smith, Councilmember, District 1	
<b>AYES:</b>	Wan, Shook, Archibong, Adrean, Smith, Watson	
<b>AWAY:</b>	Clarence "C. T." Martin	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action	

*See Authentication Page Attachment*

**ORDINANCE  
BY**

**AN ORDINANCE BY CITY UTILITIES COMMITTEE AUTHORIZING THE ACCEPTANCE OF A NON-EXCLUSIVE WATER UTILITY EASEMENT AND A SEWER UTILITY EASEMENT WITH ENCROACHMENTS FROM THE STATE OF GEORGIA, BY AND THROUGH ITS GEORGIA STATE PROPERTIES COMMISSION, IN CONNECTION WITH THE RELOCATION OF A CERTAIN PUBLIC SEWER LINE FOR THE COLLEGE FOOTBALL HALL OF FAME PROJECT; AUTHORIZING THE ABANDONMENT OF THE EXISTING SEWER LINE AT SUCH TIME AS THE RELOCATED SEWER LINE IS ACCEPTED BY THE CITY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR SAID EASEMENTS, ENCROACHMENTS AND ABANDONMENTS; AND FOR OTHER PURPOSES.**

WHEREAS, the State of Georgia owns certain real property lying and being in Land Lot 78 of the 14<sup>th</sup> District, City of Atlanta, Fulton County, Georgia, as more particularly described in Exhibit "A", attached and incorporated herein ("Property"); and

WHEREAS, the Property comprises a portion of the George L. Smith II Georgia World Congress Center campus, which is in the custody of the Department of Economic Development and managed by the George L. Smith II Georgia World Congress Center Authority, and in all matters relating to the Property, the State of Georgia is acting by and through its State Properties Commission ("Commission"); and

WHEREAS, the Commission and Atlanta Hall Management, Inc. ("Atlanta Hall") entered into that certain Ground Lease for the Property dated October 13, 2011, with a memorandum of such recorded at Deed Book 52177, Page 676 in the real property records of Fulton County, Georgia, for the general purpose of designing, constructing, operating and managing what will be known as the "College Football Hall of Fame" project ("Project"); and

WHEREAS, the Project includes, among other things, 1) the relocation of a certain existing public sanitary sewer line currently located within the former public right of way, known as Foundry St. ("Existing Sewer Line"), to a location depicted in that certain site plan ("Site Plan") attached and incorporated herein as Exhibit "B" ("Relocated Sewer Line"); and 2) construction of certain facilities over and across the Relocated Sewer Line, including two building structures, a football field and associated appurtenances, thus creating an encroachment upon the Relocated Sewer Line, as such encroachments are further depicted in the Site Plan ("Encroachment Improvements"); and

WHEREAS, said Encroachment Improvements shall be constructed by Atlanta Hall all in accordance with certain approved plans and that certain license agreement between Atlanta Hall and the City, attached and incorporated herein as Exhibit "C" ("License Agreement"); and

WHEREAS, the City has determined that the Encroachment Improvements will not impede or obstruct the City's interests and obligations in operating and maintaining its Utility and its Relocated Sewer Line located under or adjacent to the Encroachment Improvements; and

WHEREAS, upon the completion of the work on the Relocated Sewer Line in accordance with the approved plans and the License Agreement, it is the City's desire to abandon and otherwise release all claims to any internet in any unused easement and infrastructure associated which has no identifiable potential for public use, and to dissolve and remove the encumbrance to the affected portion of the Property by quitclaiming all rights associated with the City's former interest in those unusable easements and infrastructure to the State; and

WHEREAS, the State, as part of the Project, the State shall grant the City an easement for the Relocated Sewer Line with permitted Encroachments for the Encroachment Improvements in exchange for the abandonment of the Existing Sewer Line upon completion and of the Relocation Sewer Line; and

WHEREAS, the Project also includes construction of a certain water vault and related facilities on and within the Property, as more particularly described in certain plans and legal description attached and incorporated herein as Exhibit "D", which shall be included in an easement granted from the State to the City ("Water Utility Easement"); and

WHEREAS, the Commission is authorized to grant the City these certain easements for the construction, operation and maintenance of the Water Utility Easement and Relocated Sewer Line, pursuant to 2012 Resolution Act No. 760 (S.R. 873), §§ 103 through 118 ("Resolution"); and

WHEREAS, at its duly called meeting on June 19, 2012, the Commission approved granting easements on the Property for the construction, operation and maintenance of the Utility and Relocated Sewer Line, as authorized by the Resolution; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends accepting these certain easements from the State and abandoning the Existing Sewer Line upon completion of the Relocated Sewer Line in accordance with the License Agreement.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,

SECTION 1. The Mayor, or his authorized designee, is authorized to accept easements from the State for the Project, including an easement for the Relocated Sewer Line with permitted encroachments and the Water Utility Easement.

SECTION 2. Upon completion of the Relocated Sewer Line and acceptance of the dedication of the Relocated Sewer Line in accordance with the License Agreement, all unused easements and interests in the portions of the Property and infrastructure which have no identifiable potential for public use for the City's public sewer system shall be abandoned by quitclaiming all such interests in those unusable easements and infrastructure to the State.

SECTION 3. The Mayor, or his authorized designee, is authorized to execute all appropriate documents to carry out the intent of this ordinance, including execution of a quitclaim deed to abandon

and otherwise release the City's interests in the portion of the Property which have no identifiable potential for public use for the City's public sewer system and to accept the easements, as further described herein.

SECTION 4. That all ordinances, or portions of ordinances, in conflict with this ordinance shall be waived to the extent of the conflict.